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August 17, 2006

*via facsimile and standard mail*

Patrick Sorek  
psorek@leechtishman.com  
412-560-1398 x 250 Direct Dial

Kerry M. Richard, Esquire  
Tobin O'Connor Ewing & Richard  
5335 Wisconsin Avenue, NW, Suite 700  
Washington, DC 20015

Dear Kerry:

I am writing to request that you immediately withdraw Hamot's Statement of Undisputed Material Facts, Memorandum and accompanying Exhibits that were filed on August 15, 2006 in support of the First Motion for Summary Judgment.

The Exhibits contain, and the Memorandum and Statement reference, numerous documents that Hamot identified as "Confidential" during the course of discovery. These documents are subject to the Court's July 25, 2005 Confidentiality Order that was entered into by the parties in this case and which expressly provides as follows:

Confidential documents should not be filed with the Clerk, except when essential in connection with dispositive motions or other motions under the Federal Rules of Civil Procedure. If filed, they should be filed under seal and shall remain sealed while in the Office of the Clerk so long as they retain their status as confidential documents.

See Confidentiality Order at ¶6.

Most of the 34 exhibits attached to Hamot's Motion for Summary Judgment were identified by Hamot as "Confidential". While we may disagree that some of the documents are, in fact, confidential, we respected your designation and accordingly, filed our Appendix and the Memorandum and Statement in support of Lisa Brown's Motion for Partial Summary Judgment, under seal. I draw your attention to your April 14, 2006 letter to me in which you emphasize the importance of the Confidentiality Order and demanded that I withdraw documents.

I am requesting that you immediately contact the Clerk and arrange to have the Brief, Concise Statement of Material Facts Not in Dispute and accompanying Exhibits

EXHIBIT  
"C"



Kerry M. Richard, Esquire

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sealed in accordance with the parties' Confidentiality Order and takes all steps necessary to remove these document from the Court's ECF system or we will file the appropriate motion with the Court.

If you have any questions, please call me.

Very truly yours,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

A handwritten signature in blue ink, appearing to read "COP" or "COP" with a stylized flourish.

Patrick Sorek